THE SCHEDULE

MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 9th September 1957

S. R. O. 2861.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Governmet hereby makes the following Order, namely :—

1. *Short title, extent and commencement.*—(1) This Order may be called the Wheat Roller Flour Mils (Licensing and Control) Order, 1957.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in the 1st October 1957.

2. *Definitions* :—In this Order unless the context otherwise requires,—

(a) "form means a form set out in the Schedule to this Order ;

(b "Inspector" means any officer appointed as such by the Central Government to exercise the powers, and perform the duties of an Inspector under this Order ;

(c) "licensing authority" means an officer appointed as such by the Central Government to exercise the powers and perform the duties of a licensing authority under this Order ;

(d) "roller mill" means a flour mill in which disintegration of wheat is done by grooved steel or iron rollers worked by power ; and

(e) "wheat products" includes maida, atta, suji, rawa, resultant atta and bran.

3. *Licences required for roller flour mills.*—No owner or person in charge of a roller mill shall manufacture, or cause to be manufactured any wheat product except under and in accordance with the terms and conditions of a licence issued under this Order.

3A. *Prohibition against installation of other machinery.*—No owner or person in charge of a roller mill shall, within the premises of such mill,—

(a) instal or cause to be installed stone grinders (chakkies) or any other machinery for the manufacture of wheat products, or

(b) manufacture or cause to be manufactured any wheat product otherwise than by such mill :

Provided that nothing in this clause shall apply to the installation or use of emery or stone grinders forming part of the plant and machinery of the roller mill.

Explanation.—For the purpose of this clause "premises" means the building including the precincts thereof in which or in any part of which the plant and machinery of the roller mill is installed

4. *Issue of licences.*—(1) Every application for a licence under this Order shall be made to the licensing authority in Form I.

(2) A licence issued under this Order shall be in Form II.

5. *Period of validity of licence.*—A licence issued under this Order shall be valid until the 31st December of the year in which it is issued and may be renewed for one year at a time.

6. *Fee for licence.*—The fee payable for a licence shall be Rs. 5/- and that for renewal of a licence, Rs. 2/-.

7. *Duplicate lienc.*—If the licensing authority is satisfied that a licence issued under this Order is defaced, lost, destroyed or otherwise rendered useless, the licensing authority may, on application made in that behalf and on payment of a fee of Rs. 10/- issue a duplicate licence,

7A. *Deposite of Security.*—(1) Every person who, at the commencement of the Wheat Roller Flour Mills (Licensing and Control) Fourth Amendment Order, 1961 holds a licence shall, within 2 months of such commencement, and every person applying for licence after such commencement shall, before the licence is issued to him, deposit with the licensing authority security of the value of Rs. 5,000/- for the due performance of the conditions subject to which the licence is granted to him.

(2) The security referred to in sub-clause (1) may be in any of the following forms, namely:—

(a) Demand Draft on the State Bank of India endorsed in favour of the licensing authority;

(b) Deposit-at-call-receipt of the State Bank of India endorsed in favour of the licensing authority ;

(c) Government securities at 5 percent below market price or at face value, whichever is less, endorsed in favour of the licensing authority ;

(d) National savings Certificates, 12-year National Plan Savings Certificates, 12-year National Defence, Certificates and Treasury Receipts endorsed in favour of the licensing authority ;

(e) Post Office Savings Pass Book, the account being pledged to the licensing authority ;

(f) Cash deposit into Government treasury under head " deposits ".

8. *Maintenanee of accounts.*—Every licensee shall maintain correct and true accounts in respect of his business in such form and manner as the licensing authority may specify.

9. *Returns.*—Every licensee shall submit on or before the 3rd and the 18th of every month to the licensing authority and to any other authority specified by the licensing authority a return in Form III.

10. *Powers of licensing authority issue directions to licensees.*—(1) The licensing authority may issue directions to licensees in regard to—

(a) the purchases of wheat for the purpose of manufacture into wheat products ;

(b) the production or manufacture or different kinds of wheat products ; and

(c) the disposal of wheat products.

(2) Every licensee shall be bound to carry out the directions of the licensing authority under sub-clause (1).

11. *Suspension or cancellation of licences.*—(1) If any licensee contravenes any of the provisions of this Order or any of the conditions of the licence, then without prejudice to any other action that may be taken against him, the licensing authority may, after giving him an opportunity of making his objections, suspend or cancel the licence. A copy of the Order suspending or cancelling the licence sall be communicated to the licensee.

(2) Where any licensee has been convicated of an offence under the Prevention of Food Adulteration Act, 1954 the licensing authority may, having regard to the nature and gravity of the offence and the circumstances in which it was committed, suspend or cancel the license. A copy of the Order suspending or canceling the licence the licence shall be communicated to the license.

11A. *Forfeiture of security deposit.*—(1) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that a licensee has contravened any of the conditions of the licence and that

a forfeiture of the security deposit is called for, it may by Order forfeit the whole or any part of the security deposited and communicate a copy of the Order to the licensee.

(2) Where the security deposited by a licensee or any portion thereof is forfeited under sub-clause (1), the licensee shall deposit the amount so forfeited—

(i) where no appeal against the Order of forfeiture has been filed, within two months from the date on which the order was communicated to him ; or

(ii) where an appeal against such Order has been filed and dismissed, within 7 days of the dismissal of the appeal.

12. *Appeal.*—Any person aggrieved by an Order of the licensing authority under clause 11 or clause 11A may, within two months from the date of receipt by him of the Order, appeal to the Secretary to the Government of India, Ministry of Food and Agriculture, Department of Food.

13. Power to inspect, etc.—(1) An Inspector may, with a view to securing compliance with this Order,—

(a) require the licensee to furnish such return, information or statties or isprcduce such accounts, books or doc uments, relating to hisbusinesr, as may be specified ;

(b) enter and search or authorise any person to enter and search any roller mill or any premises thereof used or believed to be used for the storage of wheat or wheat products and seize or authorise the seizure of any stock of wheat or wheat products of which he has reason to believe that a contravention of this Order or any of the conditions of a licence issued thereunder has been, is being or is about to be committed :

Provided that in the exercise of the powers of entry and search under this clause the authorised officer shall,—

(a) pay due regard to the social and religious customs of the occupants of the premises ; and

(b) call upon two respectable inhabitants of the locality concerned to attend and witness any such search prepare a list of all the things taken possession of and deliver to the person or owner of the vehicle, permises, etc., so searched a copy thereof duly signed by the said witnesses :

Provided further that if any such premises be found locked up or unoccupied or unattended by or on behalf of the owner or occupier, the same may, in the presence of two witnesses be broken open and entered upon for all or any of the aforesaid purposes.

(2) Any person occupying the premises referred to in sub-clause (1) shall afford all reasonable facilities for entry and search.

SCHEDULE

FORM I

Application for licence

[*See* clause 4 (1)]

To

....

Licencing Authority

Sir,

I/We.....request that I/We may be granted a licence/my/our/licence No.....may be renewed for the year ending.....

1. Applicant's name and address.....
2. Place where the wheat roller flour mills is situated (name of the mill if any).....
3. Details of the power-driven machinery for manufacture of wheat products.
4. Installed milling capacity per day.
5. Average daily production (in tons) for the previous year.
6. Details of godown accommodation separately for wheat and wheat products (all godowns where wheat and wheat products owned by the mill are or would be stored should be indicated).
7. Names and addresses of selling agents.
8. Name of the Bank.

I/We.....declare that I/we am/are the proprietor/proprietors/Manager of the Wheat RollerFlour Mill covered by this application. I/We have carefully read the Wheat Roller Flour Mills (Licencing and Control) Order, 1957 and the conditions of the licence in Form II in the schedule to the said Order and I/we agree to abide by them.

I/We enclose a treasury receipt/for Rs. 5/Rs. 2 being the fee for licence/renewal of the licence.

FORM II

Licence under the Wheat Roller Flour Mills (Licensing and Control) Order, 1957.

[*See* clause 4 (2)]

LICENCE No.

Subject to the provisions of the Wheat Flour Mills (Licensing and Control) Order, 1957 and the terms and conditions of this licence..... is/are hereby authorized to carry on the business of manufacture of wheat products :—

1. Name and address of licensee.....
2. Place of business (if it is separate from the address) .....
3. This licence is valid up to .....

II. The licensee shall render all necessary facilities to the licensing authority or the Inspector or such persons as may be authorized by either of them for the inspection of the mill, godown, or any other place used for the storage or sale of any wheat or wheat products and also for the taking of samples for examination.

III. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions as may from time to time be given by the licensing authority or by any officer authorized by him in this behalf or the Inspector, relating to such business.

IV The licensee shall submit on or before the 3rd and the 18th day of every month a return in Form III of the Schedule to the above cited Order to the licensing authority and any other authority that may be prescribed.

V. The licensee shall abide by any directions issued by the licensing authority in regard to the purchase of wheat, extraction of maida, sooji and rawa and also in regard to the distribution or disposal of wheat products.

VI. The licensee shall maintain accounts in respect of the manufacture of wheat products in such manner as may be prescribed from time to time by the licensing authority.

VII. Contravention of any of the conditions of this licence either by the licensee or his agent or servant or any other person who can reasonably be presumed to have been acting on his behalf will render this licence liable to cancellation or suspension without prejudice to any other action that may be taken against the licensee.

Station
Date Name and designation of licensing authority.

FORM III

Fortnightly return to be submitted by Mills (in duplicate) for the fortnight ending

(*See* clause 9)

Name of Mills .....

(figures in quintals)

1. *Wheat*	*Indigenous*	*Imported*	*Total*
(i) Opening balance			
(ii) Receipts			
*(a)			
(b)			
(c)			
TOTAL			
(iii) Milled during the fortnight.			
(iv) Closing balance with the Mill.			
(ivA) Quantity hypothecated with the Bank (s) [State name of the bank (s)].			
*(v) Quantity purchased but not yet received in the Mill—			
(a) lying with the purchasing agents (here state the station where lying).			
(b) Hypothecated with the Bank (s) [State the name of the Bank (s)].			

* Here indicate source from where supplies received.

2. *Wheat products*

Opening balance	Milled during the fortnight	Total	Sales	Closing balance	Quantity hypothecated with the banks
Maida					Quantity Name of bank
Sooji/Rawa					
Resultant Atta					
Wholemeal Atta					
Bran					

[No. 204 (II)/57—PY. II].

C. A. RAMAKRISHNAN, Joint Secy.

[No. 205 GDD) (2) 752/ 64-PYII.]

K. T. THAKORE, Under Secy.